

**Town of Milford
Zoning Board of Adjustment Minutes
November 21, 2013
Alan Tang
Case #2013-24
Variance**

Present: Fletcher Seagroves, Chairman
Zach Tripp
Kevin Taylor
Michael Thornton
Joan Dargie

Katherine Bauer – Board of Selectmen’s representative

Absent: Laura Horning
Bob Pichette
Paul Taylor

Secretary: Peg Ouellette

The applicant, Alan Tang, along with Lorden S.C., LLC, owner of Map 44 Lot 6, 614 Nashua St, in the Commercial district, is requesting a Variance from Article VII, Section 7.06:E.2 to install a 33.75 SF wall sign, where a maximum of 10 SF or 50% of the storefront’s linear measurement is allowed.

Minutes approved & signed January 16, 2014

Fletcher Seagroves, Chairman, read the notice of hearing into the record and informed all of the procedures. The list of abutters was read. Applicants Alan Tang and Morgan Cram were present. He then invited the applicant forward to present their case.

F. Seagroves asked for questions from the Board.

K. Taylor asked if applicants would be comfortable with 24 SF.

M. Cram said yes, if that is what they had to do.

J. Dargie asked the height of the Toadstool and US Cellular signs.

Z. Tripp said it was in the application; US Cellular is a little shorter.

F. Seagroves said they were going to 33.75 which would be 2' 6" letters.

Z. Tripp said just shy of that and 10' 9" long.

F. Seagroves said that is closer to Toadstool. He asked for any other questions from the Board.

Z. Tripp commented it was more proportional to the rest; 50% of the storefront felt like the right size.

K. Taylor said he was debating on 24SF or 30SF.

M. Cram said they needed to put the order in for their equipment list by that Monday, so if she needed to wait for another meeting and put in another variance, that would affect their business.

K. Taylor said they could make an amendment. He realized the applicants wanted 36SF and the Board had taken that away, comparing it with other signs, like Toadstool.

J. Dargie said the Toadstool sign is 2½ ft taller, consistent with the roofline, and that looked like a good size.

Z. Tripp said US Cellular looked different because it is clear and the star logo is probably larger.

F. Seagroves said he didn't have a problem with this size.

F. Seagroves opened the meeting for public comment.

Katherine Bauer of 247 N. River Rd commented that it was not necessary to quibble about 2" since they were talking about looking from the road. She felt this was probably a good compromise.

J. Dargie asked about the mention of 10 ft long.

F. Seagroves agreed and said they are talking about 2' 6" or so. That will fit in fairly well. Cutting it down would alleviate M. Thornton's problem of extending over a little.

M. Thornton agreed.

F. Seagroves commented they wouldn't get all signs exactly the same unless you had the same sign maker.

F. Seagroves said they were limited to these sizes – 24, 30 or 36; he felt 30 would work.

There was discussion regarding the necessity of reading the application because it was the same as the first except for the sign size.

M. Thornton made a motion to consider the applicant's reading of the first application as also this application, except for the size of the sign.

Applicant read the first paragraph of Section 1.

Z. Tripp seconded that motion.

All voted in favor.

Z. Tripp made a motion to accept the testimony from Case 2013-23.

J. Dargie asked what percentage the 33.75 was of the storefront measurement.

M. Cram said she hadn't done that measurement.

Z. Tripp said it was a little over fifty percent; 10' 9" for a 20 linear ft storefront.

J. Dargie said square footage.

M. Thornton said it was a larger sign than the other Subway but it was further from the road. He was not sure if there was a marquee sign at the other one.

F. Seagroves asked for vote on the criteria.

F. Seagroves didn't have a voting sheet.

K. Taylor asked whether his motion on the other application was read as Case #2013-24. Recording secretary had no case # in the notes. Board proceeded to discussion of the criteria.

1. Would granting the variance not be contrary to the public interest?

K. Taylor said yes.

M. Thornton said yes.

Z. Tripp said no violation of the basic zoning objection by a marked degree.

J. Dargie agreed it would not be contrary to public interest.

F. Seagroves said yes, per the Handbook, he didn't see the public would gain.

2. Could the variance be granted without violating the spirit of the ordinance?

Z. Tripp said yes, with the location it is an effective use. The sign is to attract customers and they would do it without visual clutter; it is in scale. He didn't think it would fuel any more sign wars.

K. Taylor said yes, it can be granted without violating the spirit. As Zach stated, a bigger sign could be viewed from outside and by those coming in.

M. Thornton said he was torn. This is almost twice the size of the Subway sign and the other Subway is a bigger store. Is there reason they need that big a sign? They are not twice as far from the road.

Z. Tripp said it is a different road and the parking lot at the other is very open. This one has trees. It's a different sight line and the bank is in front of them, depending the angle of approach.

M. Thornton agreed, depending on the angle of approach if you were coming out of town versus through town. M. Thornton said yes.

J. Dargie said yes, she didn't feel the Ordinance took into account the distance from the road when developing how large signs could be.

F. Seagroves said yes. The Handbook mentions health, safety, and the general welfare of the community. He didn't see putting a sign up would threaten any health, safety or general welfare.

J. Dargie commented it actually helps if people can see it better.

3. Would granting the variance do substantial justice?

M. Thornton said yes.

K. Taylor said yes.

Z. Tripp said yes to a variance for sign of this size. He didn't think there would be any gain to the public with a smaller sized sign. The applicant would lose business due to poor visibility.

J. Dargie said yes and agreed with Zach.

F. Seagroves said yes, the Handbook says loss to individual not outweighed by gain to the public. By granting this, no injustice would be done to the public; it is the opposite. With a bigger sign the public can probably find the store more easily.

4. Could the variance be granted without diminishing the value of abutting property?

Z. Tripp said yes. The size of the sign would not diminish values of surrounding property.

K. Taylor said yes, it is a mall. It is not going to hurt property.

M. Thornton said yes, no diminishment at all.

J. Dargie agreed but said she was confused about abutters listed on Stable Rd.

F. Seagroves said yes, he didn't see how it would diminish the value of abutting property. It is a mall. Everybody is there to run a business. It won't hurt value of the property.

5. Would denial of the variance result in unnecessary hardship taking the following into consideration:

A) i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;

ii. The proposed use is a reasonable one.

B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Z. Tripp said yes. What is unique is the distance from the road and being obscured by the bank. It is a long, nondescript plaza where everything blends. Definitely enough unique features to the property to grant without pressuring purpose of the ordinance. It is effective use of sign. It won't be overcrowding. It is a reasonable use, reasonable sign given proportion to the storefront.

M. Thornton said yes he believed this sign was more proportional to the business

J. Dargie said yes.

F. Seagroves said yes, due to size of the business and what the sign Ordinance says; there is a hardship.

F. Seagroves asked if there were any additional comments; he called for a vote.

1. Would granting the variance not be contrary to the public interest?

K. Taylor – yes; Z. Tripp – yes; J. Dargie – yes; M. Thornton – yes; F. Seagroves – yes

2. Could the variance be granted without violating the spirit of the ordinance?

Z. Tripp – yes; J. Dargie – yes; M. Thornton – yes; K. Taylor – yes; F. Seagroves – yes

3. Would granting the variance do substantial justice?

J. Dargie – yes; M. Thornton – yes; Z. Tripp – yes; K. Taylor – yes; F. Seagroves – yes

4. Could the variance be granted without diminishing the value of abutting property?

M. Thornton – yes; K. Taylor – yes; Z. Tripp – yes; J. Dargie – yes; F. Seagroves – yes

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K. Taylor – yes; Z. Tripp – yes; J. Dargie – yes; M. Thornton – yes; F. Seagroves – yes.

K. Taylor made a motion to accept Case #2013-24.

Z. Tripp seconded the motion.

Final Vote

J. Dargie – yes; M. Thornton – yes; Z. Tripp – yes; K. Taylor – yes; F. Seagroves – yes.

Case #2013-24 was approved by unanimous vote.

F. Seagroves reminded the applicant of the thirty (30) day appeal period.